IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 528 OF 2006

M/S POOJA FERRO ALLOYS LTD. ....Petitioner
THROUGH ITS DULY AUTHORIZED
DIRECTOR SHRI PANKAJ JAIN, MARGAO
GOA.

Versus

GOA STATE POLLUTION CONTROL BOARD ....Respondents
THROUGH ITS MEMBER SECRETARY/IN
CHARGE AND ANR.,

Mr. Nitin Sardessai, Advocate for the Petitioner.
Mr. J. E. Coelho Pereira, Senior Advocate with Mr.V. Korgaonkar, Advocate for the Respondent No.1.
Mr. S. S. Kantak, Advocate General with Ms. R. Chodankar, Additional Government Advocate for the Respondent No.2.

Coram:- N. A. BRITTO, J.

Date:- 1st November, 2006

P.C.:-

Heard Mr. Nitin Sardessai, the learned Counsel on behalf of the petitioner. Mr. V. Korgaonkar, the learned Counsel waives notice on behalf of the respondent no.1. Ms. R. Chodankar, the learned Additional Government Advocate waives notice on behalf of the respondent no.2. Heard Mr. J. E. Coelho Pereira, the learned Senior Counsel on behalf of the respondent no.1 and the learned Advocate General Mr. S. S. Kantak on behalf of the respondent no.2. It appears that when the petitioner's unit was inspected on 2-9-2006 by M/s Terra Firma, it was noticed that emissions were not entering into the pollution control device. It also appears that since then, the said M/s. Terra Firma has again inspected the unit of the petitioner on 11-9-2006 and has not noticed anything adverse against the petitioner's unit. The learned Senior Counsel for the respondent no.1 has made a statement that the petitioner's unit is under inspection by Neeri, pursuant to the Orders passed by the Division Bench

on 10-10-2006. Since at present there is nothing adverse against the petitioner's unit in relation to air pollution, in my view, the continuation of the impugned Order dated 6-10-2006 of the respondent-Board is not justified and hence deserves to be set aside. However, it is made clear that in case the respondent-Board inspects the petitioner's unit and finds anything adverse against the petitioner's unit in relation to air pollution or for that matter the NEERI by their inspection finds anything adverse against the petitioner, the respondent-Board would be at liberty to direct stoppage of the running of the petitioner's unit. By consent the petition shall stand disposed of. Consequently, the Order dated 6-10-2006 of the respondent-Board shall stand set aside.

N. A. BRITTO, J.

RD.